

Remarks

Claim 1 has been replaced with claim 17, and claim 15 has been replaced with claim 18. All of the claims are clearly patentable in light of the references of record. Neither Rajnik nor Goldsmith disclose, suggest or could even accomplish co-currently flowing recirculated permeate along the length of a membrane device. The claims thus must, under the law of 35 U.S.C. sections 102 and 103, be patentable.

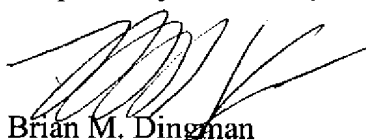
The devices of Rajnik have egress channels other than at the end of the devices (see all figures which show the sides of Rajnik devices, figures 2, 8, 24, 25 and 26a, and the egress channels are distant from the ends, not proximate the ends as in the claims). There is no indication in Rajnik that the egress channels are, or should be, solely proximate the ends of the device and configured in a way that the flow through Rajnik's second set of passageways should flow longitudinally along the length of the device. Rather, Rajnik teaches away from this by showing multiple egress channels which would preclude recirculating permeate along the full length of the device. Thus, the egress conduits of Rajnik are fundamentally impractical for use permeate as accomplished by the invention.

Goldsmith patent no. 4,781,831 has also been cited for rejection of claims. Goldsmith '831 employs permeate conduits only for permeate extraction, and does not suggest in any way use of these conduits for circulation of permeate. Further, only a single permeate port is shown in the drawings of '831, a construction that cannot be used for circulated permeate as in the present claims.

As the references do not disclose the structure or the function of any of the claims, under the law of 35 U.S.C. section 103, the claims must be patentable over the references.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,



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